

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COUNTY OF NEWPORT**

APPROVED 9/27/10

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall, 343 Highland Road, on the 13th day of September 2010 A.D. at 7:00 p.m.

President Bollin opened the meeting with the Pledge of Allegiance to the Flag.

Roll Call:	Donald Bollin-President	Jay Lambert
	JoAnne Arruda-Vice President	Cecil E. Leonard
	Hannibal Costa	Edward Roderick
	Louise Durfee	

Town Administrator, James C. Goncalo and Town Solicitor, Andrew M. Teitz were also present.

OATH OF OFFICE FOR LIEUTENANT PETER M. MANCHESTER

Council President Bollin administered the Oath of Office for newly promoted Lt. Peter M. Manchester.

Approval of Consent Agenda:

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Council President Bollin read the items on the Consent Agenda.

Councilor Durfee requested removal of item A-3a-1 and 2, regarding "Congress of Councils", item A-6, correspondence from Conservation Commission and item A-8, July 2010 Revenue and Budget Reports. Councilor Roderick requested removal of item A-7, request for Surety Reduction for Countryview Estates. Councilor Leonard requested removal of items A-3b, Resolution from Narragansett Opposing Unfunded Mandates and item A-3d, minutes from East Bay Energy Consortium.

Councilor Leonard made a motion, seconded by Councilor Durfee to approve the remaining items on the Consent Agenda.

The Consent Agenda was as follows:

CONSENT AGENDA:

A-1-Approval of Minutes of Previous Meetings:

- a. Approval of Minutes from Regular Council Meeting July 12, 2010 (Previously Distributed) Councilor Costa Abstained – Absent from Meeting
- b. Approval of Minutes from Regular Council Meeting of July 26, 2010 (Previous Distributed) Councilors Arruda and Leonard Abstained – Absent from Meeting
- c. Approval of Minutes from Regular Council Meeting August 23, 2010 Councilor Costa Abstained – Absent from Meeting
- d. Approval of Executive Session Minutes July 26, 2010 (Previous Distributed) Councilors Arruda and Leonard Abstained – Absent from Meeting
- e. Approval of Executive Session Minutes June 28, 2010 (Previous Distributed) Councilors Costa and Durfee Abstained – Absent from Meeting

A-2-Receipt of Minutes from Various Board and Commissions:

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|-----------------------------------|---|
| a. Open Space Commission (2) | c. Municipal Buildings Feasibility Advisory Committee |
| b. Historic Cemeteries Commission | d. Arts Council |

A-3-Correspondence:

c. Resolution From City of Providence Proclaiming September Ovarian Cancer Awareness Month

A-4-Approval of Tax Assessor Abatements

A-5-Distribution of August 2010 Report from Kate Michaud, Administrative Officer to Planning Board

Received From Weaver's Cove Energy Regarding September 8th "Congress of Councils" Meeting and Information Release

Jamestown Council of Councils Meeting Agenda

Councilor Durfee questioned whether the Council should designate someone to attend, either the Administrator or someone from the Conservation Commission who would then keep the Council informed, the Town has an abiding interest. Solicitor Teitz pointed out they were looking for a Council member. President Bollin noted the 7:30 a.m. start time, difficult for working Council members to attend. President Bollin designated the Town Administrator, James Goncalo, to keep the Council informed.

Received From Town of Narragansett – Resolution Opposing Unfunded Mandates

Councilor Leonard requested removal of item, worth the while of the Council to pass a similar resolution. Discussed possibility that Council has already addressed. Clerk will check for prior motion.

Councilor Leonard made a motion to support the Resolution from the Town of Narragansett opposing Unfunded Mandates and pass on to our representatives. Seconded by Councilor Roderick motion passed unanimously.

Received From East Bay Energy Consortium, Minutes of August 16, 2010 Joint Committee Workshop

Councilor Leonard was concerned about a busy Council schedule for the rest of the year, minutes mentioned a presentation in September. Town Clerk, Nancy Mello, has discussed this with the Tiverton EBEC representative Garry Plunkett, requested to be on the next agenda to give the Council an executive summary, possibly a very brief presentation then address in full at October meeting.

Tiverton Conservation Commission – Follow-up Commentary on Noise Pollution, Tiverton Roadways

Patricia Sullivan, Conservation Commission, handed out to the Council copies of the Noise Ordinance and an email from 2009, regarding noise from motorcycles. Hoping for a workshop with Council to start a dialogue, possibly after the November election.

Councilor Roderick recused himself and left the Council table because he lives at Countryview Estates.

Atty Leary Request Surety Reduction for Countryview Estates – Referred to Planning Board and DPW for Recommendation

Councilor Durfee made a motion, seconded by Councilor Leonard to refer the request for Surety Reduction for Countryview Estates to the Planning Board and the Dept. of Public Works for recommendation. Motion passed unanimously.

Councilor Roderick returned to the Council table.

Philip DiMattia, Treasurer - Distribution of July, 2010 Revenue and Budget Report

There were several questions and a lengthy discussion regarding the July 2010 Revenue and Budget Reports received from the Treasurer.

Councilor Durfee requested removal of these reports having some questions for the Treasurer, Philip DiMattia. Councilor Durfee questioned the expenditures for personnel services starting on page 9. Wanted to know why those figures were so low. Treasurer DiMattia started to answer a question that was addressed in June. Councilor Durfee wanted to know what happened in this report and why the salaries for the Dept. Heads were way off. Treasurer DiMattia was going to check with the payroll clerk will get back to Council. Councilor Durfee

questioned the revenue report, which showed no receipts from either beach. Treasurer has not posted those revenues, even though they were received, explained the money was in BankNewport and does not become part of the General Fund unless it comes through Citizens Bank. Councilor Roderick pointed out that any revenue received regardless of what bank it's in should be included. Treasurer noted those funds were not part of the General Ledger so they are not part of the General Fund until brought forward.

President Bollin pointed out to the Treasurer revenue and expense are two different reports, revenues should show what has come in as of July 31st. This report shows we took in nothing from beach accounts. Councilor Arruda questioned what other revenues are not in this report, gives pause, could there be more money out there not accounted for. Treasurer noted the Council has received these same reports for years, said his predecessors never brought in on a monthly from the beaches into the General Fund. Councilor Durfee noted the Treasurer says the reports are accurate but they are not. Treasurer DiMattia explained there are a handful of revenue accounts that exist outside of Citizens Bank that the Council will not see brought into the accounting process. President Bollin asked what basically was deposited. Treasurer DiMattia explained some revenue accounts have offsets, expenditures not budgeted. President Bollin noted if money comes in then it should be in the revenue report.

Councilor Roderick pointed out revenue is revenue and asked again what did the Town receive and what did we pay out as of June 30, 2010. Treasurer DiMattia explained what he could do was bring forward any monies that will not zero us out saving accounts from beaches. Administrator Goncalo suggested just putting the statements received from the banks. Councilor Roderick asked the Treasurer the Town's position at the end of June, did we end on a solid footing. Treasurer DiMattia was not prepared to make a prediction. Slow process, goes hand in hand with the audit. Councilor Roderick said it was very scary to him to not know the financial position of the Town in these economic times. Councilor Durfee has asked for the last several months for a preliminary determination. Councilor Roderick wanted to know when the Council could expect some preliminary numbers. The Treasurer estimated maybe in October.

The Town Council was sitting as the Board of Licensing Commissioners:

BOARD OF LICENSING COMMISSIONERS AND PUBLIC HEARINGS:

Nelson A. Luz - dba Luz Fresh Seafood – Request Approval of Hawkers License – Subject to Meeting All Legal Requirements – Continued From August 23rd Meeting

This item was continued from August 23rd in order for Mr. Luz to find an alternative location to the busy Hurst Lane intersection. Mr. Luz provided a letter of permission from Mr. Rodriques to use the Spring Restaurant parking lot at 131 Main Road. Chief Blakey has inspected and provided a recommendation to the Council. Mr. Luz modified his original agenda to include the Main Road address.

Councilor Durfee made a motion, seconded by Councilor Arruda to grant a Hawkers License to Nelson A. Luz for the parking lot of the Spring Restaurant, 131 Main Road. Motion passed unanimously.

APPOINTMENTS & RESIGNATIONS:

Christopher Clarendon, 171 Preservation Way – Request Appointment to Harbor Commission

Mr. Clarendon was interviewed, has experience on the waterways, interested in helping. Vacancies exist on this Commission.

Councilor Durfee made a motion, seconded by Councilor Roderick to appoint Christopher Clarendon to the longest possible term. Motion passed unanimously.

Robert Rabiner, 37 Watermark Drive – Request Appointment to Economic Development Committee

Mr. Rabiner was interviewed, submitted an extensive resume with the appointment request.

Councilor Leonard made a motion, seconded by Councilor Durfee to appoint Robert Rabiner to the Economic Development Committee for the longest possible term. Motion passed unanimously.

Sr. Michaelinda Plante, 99 Hancock Street – Request Appointment to Housing Authority

Sr. Michaelinda Plante, 99 Hancock Street, was interviewed by the Council for the vacant resident member position for the Housing Authority. Sr. Michaelinda stressed the importance of communication between the residents and the Housing Authority, willing to go to HUD training.

Councilor Durfee made a motion, seconded by Councilor Roderick to appoint Sr. Michaelinda Plante as Resident Commissioner for the Tiverton Housing Authority. Motion passed unanimously.

President Bollin had previously recused himself from this item. Councilor Roderick chaired this item. .

UNFINISHED BUSINESS:

Tiverton Yacht Club – Proposed Zoning Ordinance Text and Map Amendment- Continued from August 10, 2010 – Awaiting Minutes Form Stenographer – Town Solicitor Request to Continue to October 12th Meeting

Solicitor Teitz, due to the late receipt of the transcribed minutes, requested this item continued to the October 12, 2010 meeting. Solicitor Teitz had talked to Mr. Tremblay and Mr. Campbell intends to have a draft for the Council to review by the next meeting.

Several Councilors expressed wanting to finish this item at the October meeting.

Councilor Leonard made a motion, seconded by Councilor Costa to continue the Proposed Zoning Ordinance Text and Map Amendment by the Tiverton Yacht Club to October 12, 2010. Motion passed unanimously.

NEW BUSINESS:

Town Administrator – Request to Hire (4) Fire Fighters to Replace Four Retired Fire Fighters

Fire Chief Robert Lloyd, requested approval from the Council to hire four Fire Fighters to replace four retired Fire Fighters. Councilor Lambert questioned the potential impact on arbitration. Administrator Goncalo did not believe the hiring would adversely impact arbitration, could help with overtime.

Councilor Lambert made a motion to approve the request to hire four Fire Fighters to replace retired fire fighters. Councilor Leonard seconded the motion. Discussion ensued about minimum manning. Motion passed unanimously.

BIDS & REQUESTS FOR PROPOSALS:

Tax Assessor David Robert – Request Approval to Advertise for RFP for 2011 Full Property Revaluation

Tax Assessor, David Robert, requested approval to advertise RFP for 2011 Full Property Revaluation. The revaluation is State Mandated, needs to be done as soon as possible. Councilor Leonard questioned if there were any references for compatible software. Assessor Robert included language in the RFP to demonstrate, anticipate full cost of the revaluation to be \$360,000, State mandated to be done by 12/31/2011. FTM approved \$75,000 this year, full revaluation total responsibility of the Town. Tax Assessor has requested more funds be set aside for the revaluation every year. Bulk of the payments for the RFP will be after July 1st of next year, includes no continued obligation provision.

Councilor Durfee made a motion, seconded by Councilor Arruda to authorize David Robert advertise for RFP for Full Property Revaluation for 2011 FY. Motion passed unanimously.

Recreation Commission, Bob Martin – Request Approval to Advertise Bid for Nautical Theme Play System for Bulgarmarsh Road Playground

Administrator Goncalo and Bob Martin requested approval to advertise for Bid for Nautical Theme Play System for Bulgarmarsh Road Playground. Award will not be made until funds are available. Invited the DEM Chief to Bulgarmarsh Park, impressed with progress. Town will be requesting \$150,000 from DEM to complete the project. Councilor Arruda praised the work of Bob Martin and the DPW, area looks very nice.

Councilor Durfee made a motion, seconded by Councilor Arruda to authorize to advertise for Bids for Nautical Theme Play System at Bulgarmarsh Park. Motion passed unanimously.

Chief Lloyd – Request Approval to Advertise for Bid of NFPA 1901 Compliant Class A Pumper

Administrator Goncalo noted the agenda request needs correction, the RFP is 88 pages. Funds were approved at the FTM. Councilor Leonard questioned page one, the last paragraph before the last sentence, in which a vendor will only bid the top of the line product if a vendor represents more than one Fire Apparatus Company. Chief Lloyd explained the manufacturer would need to meet these specs. Councilor Leonard wanted on page 2, under Information Required, in the first paragraph the restriction of twenty-five years or more. Chief Lloyd is looking for a proven company. Councilor Leonard also questioned a Foam pumper. Chief Lloyd noted that would add another \$40,000, not totally convinced compressed air foam is the end all, lot of maintenance issues, clean up, not acceptable for all applications.

Councilor Durfee made a motion, seconded by Councilor Arruda to advertise for bid for NFPA 1901 Compliant Class A Pumper, including the removal of the paragraph from the first page related to bidding top of line vendors. Motion passed on a vote of 5-2, Councilors Leonard and Costa opposed.

Stephen Berlucchi, DPW Director – Request Award of Bid to Purchase 2010 Ford F550 for \$43,623.00 and Associated Yearly Financing

DPW Director Berlucchi noted to the Council only one bid was received but had offered a bid for a 2010 model and a 2011 model. Had notified at least ten different suppliers, was advertised, received a price less than anticipated. Recommends awarding the bid for the 2010 model.

Councilor Leonard made a motion, seconded by Councilor Roderick to award the bid to purchase a 2010 Ford F550 for \$43,263.00 and additional yearly financing of \$9,909.74. Motion passed on a vote of 6-1, Councilor Costa abstained.

TOWN ADMINISTRATOR ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

1. This month Nonquit and Rangers School will be winterized, includes draining and bleeding the water pipes.
2. Bulgarmarsh Park-submitted an invoice for \$69,177, \$39,000 of which is in kind cost, asking for \$150,000 more.
3. Sandywoods Farm started occupancy Sept. 1st.
4. Received unexpected income of \$12,963, profit sharing from recycling based on recycling tonnage. FY 08/09 1729 tons recycled, 6200 tons trash, 22% of trash recycled. FY 09/10 1656 tons recycled, 5,000 tons trash, 25 % recycled. Tonnage decreased because other items are now separated like tires, metal, wood, cardboard, etc.
5. Harassment in the Workplace seminar will be held Sept. 28,2010, from 9:00 am to 12:00pm at the Community Center.
6. Commends EMA Director Fire Chief Robert Lloyd for an incredible job preparing for the hurricane.
7. The MEDS plan has been updated and submitted.
8. Meeting today regarding Senior Center roof repair to be done next week.
9. Real Estate tax notices mailed, collected 30 % of the levy, on track. Mailed 1445 delinquent notices, 1302 for the first quarter.
10. One hundred four properties on tax sale for November.
11. Large item pick up on 9/18, call DPW at 625-6760.
12. Received complaints regarding political signs, cannot be on Town property, must be on private property with permission of the owner.

COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Councilor Durfee commended the report submitted by Planning Board Administrative Officer, Kate Michaud, which was timely and sufficiently detailed. Councilor Costa echoed those sentiments for the rest of the Council.

Councilor Durfee requested reports from League of Cities and Towns be circulated among Councilors.

Councilor Leonard briefed Council on ability to handle key items prior to new Council in November, PAYT, Yacht Club amendment, Wind power with East Bay Consortium. Clerk will place one key issue on each of the remaining three agendas.

TOWN SOLICITOR, ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Solicitor Teitz did not have anything for Executive Session. Handed out a report from Bob Hoffman, received today. Plan to have the Council authorize Mr. Hoffman take an active role in trying to stabilize emergency workload activities, working with Bay Street residents. Will use some of the funds the Town received as part of the settlement to pay for all Hoffman's continuing work.

Resolution of Town Council Encouraging All Appropriate Town Officials and Department Heads to Attend Interlocal Trust Harassment in the Workplace Seminar on September 28, 2010

Council President Bollin read the following Resolution.

TOWN OF TIVERTON RESOLUTION

Requiring All Department Heads and Managers to attend "Harassment in the Workplace" Seminar

September 28, 2010, 9:00 AM – 12:00 PM

WHEREAS, the Town Council has the fiduciary duty to the Town to minimize risk and exposure to lawsuits for harassment in the workplace, and the Town owes a moral and legal duty to its employees to provide a workplace free from harassment; and

WHEREAS, the Town's liability insurer, the Rhode Island Interlocal Risk Management Trust (the "Trust") offers periodic seminars to its members in an effort to educate its member managers and department heads, and thus minimize claims; and

WHEREAS, the Trust has scheduled a seminar entitled "Harassment in the Workplace: It's Not Just About Sex Anymore" for September 28, 2010 at 9:00 AM – 12:00 PM (the "Seminar"), with the Seminar provided free by the Trust for several East Bay members of the Trust, including the Town of Tiverton and the Tiverton School Department, and the Town is hosting the seminar at the Judson Street Community Center;

IT IS HEREBY RESOLVED, by the Town Council of Tiverton that:

1. It is the policy of the Town that all appropriate Tiverton Department Heads and Managers, as identified by the Town Administrator and including the Town Administrator, shall attend the Seminar.
2. The independently elected Town Clerk and Town Treasurer, in that they function as heads of their respective departments, are hereby respectfully requested to attend the Seminar.
3. The School Department, in that any adverse financial judgment may ultimately be paid in part by the taxpayers of the Town, is hereby respectfully requested to send its appropriate personnel to the Seminar.

Adopted by the Town Council on the ____ day of September 2010.

Nancy Mello, Town Clerk

Solicitor Teitz drafted the resolution to impress the legal importance of attending the seminar. The resolution respectfully requested the School Department send the appropriate personnel to attend. Solicitor Teitz will attend, the independently elected Town Clerk and Town Treasurer have indicated each will also attend. It is conducted by the Interlocal Trust, no charge to the Town, limited to 15 people. Will also include surrounding Towns and School Departments.

Councilor Durfee made a motion, seconded by Councilor Roderick to adopt the resolution requiring all department heads and managers to attend “Harassment in the Workplace” seminar, Sept. 28,2010, 9:00 am-12:00 pm. Motion passed unanimously.

CLOSED EXECUTIVE SESSION:

Executive Session was not held.

ADJOURNMENT:

Councilor Roderick motioned to adjourn, seconded by Councilor Arruda. Motion passed unanimously.

Council adjourned at approximately 9:05 p.m.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk